

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, MAY 24, 2018

Presiding: Mayor David D. Ogden  
Meeting Convened at 6:30 p.m.  
Prayer: Brent Barrus  
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilors Brent Barrus, Vaun Waddell, Joy M. Ball, and Bruce King; City Public Works Director Assistant Arlynn Jacobson; Chairman Dave Thompson of the Planning and Zoning Commission; City Building Inspector Cliff Morris; Design Review Board Chairman Paul Jeppson; Forsgren Associates Representative Randy Johnson; *Standard Journal* reporter Adam Jacobs; Delorum Co-Founder and Project Manager Keith Nelson; Citizens Sharon Bell, Kimber and Shelley Jones, Bert McLaughlin, Kirk Nelson, Jason South, DeVerl Stoddard, and Daven Wheeler.

**MINUTES:** Mayor Ogden asked if there were any corrections to the revised minutes of the regular meeting held on May 10, 2018. The council decided to table the minutes until next meeting in order to review the audio recording and revisions from Councilors Ball, Waddell, and King which were not made available before the meeting. Councilwoman Ball read a public statement for the record (Attachment #1). Mayor Ogden apologized for any misunderstanding or confusion.

**PLANNING AND ZONING REPORT:** Chairman Dave Thompson reported on the following items:

**Final Plat Process:** Reviewed and discussed the process – want to continue discussions before making a decision.

**Land Use Schedule:** No discussion or public hearing date was set for lack of a quorum.

**Impact Area Expansion:** The commission is still working on the details and said it looked favorable for the city. A map of the proposed impact area was sent to the council.

**Bike Path Grant Meeting:** Dave Thompson and Arlynn Jacobson met in Boise for the Walking Path Grant Summit. Sugar City is being considered as a possible grant recipient. This federal grant requires a committee, which the city will need to organize. The committee will work together with the Madison County Trailways committee for continuity. Mr. Thompson also pointed out that existing roads can be used for bike paths. The next grant application available is due in June.

**RUN, HIDE, AND FLIGHT:** Mayor Ogden explained the Run, Hide, and Flight training offered by the Madison County Sheriff's Department. It is recommended training for all public employees and officials. The mayor scheduled Wednesday, July 18, 2018, at 6:30 p.m. at city hall for the training, which should last about an hour.

**MAYOR'S REPORT:** Mayor Ogden reported on the following item:

**Water System Bond:** The city met with several local contractors to discuss and answer

questions on the bid process and expectations for the new water system, which consists of two parts:

- Water tank
- Transmission lines

The low bid for the water tank construction came in at \$826,328; the estimate was \$1.24 million. The Idaho Department of Environmental Quality (DEQ) is reviewing the bids. The city will not formally accept the bid on the water tank until DEQ has approved it.

Old Farm Estates developers Ryan and Jeff Lerwill plan to install the water transmission line on 5<sup>th</sup> South from the new tank, since they can do it for about half the estimated cost of \$113,000 to bid it out.

#### **WATER PROJECT BIDS FOR WATER TRANSMISSION LINE TO MOODY ROAD:**

The council approved the contract with MD Construction. Forsgren Associates Project Engineer Randy Johnson was on hand to answer questions. MD Excavating (Mike Stears owner) was the apparent low bid for the water transmission line from 5<sup>th</sup> South to the Moody Road and on to the Idaho Highway 33 (Yellowstone Highway) intersection. The new lines will tie in to 6<sup>th</sup> South (future road) north of the new tank and run south along the east side of 7<sup>th</sup> West and north of the Moody Road to the intersection. Canal sleeves are already in place, and verbal easement commitments have been obtained from most of the residents along the route. A performance bond is required for the full amount of costs. Davis-Bacon wages and benefits are also required for federally funded projects. Materials and construction were approved previously by DEQ. The life expectancy for the system is about 70 to 80 years. Construction will begin soon and will take about 60 days to complete.

**RESOLUTION NO. 2018-6 (Approve Water Line to Moody Contract)** – Resolution No. 2018-6 was read by title only by Councilman Barrus.

**MOTION:** It was moved by Councilman Barrus and seconded by Councilman Waddell to approve Resolution No. 2018-6. Motion carried. A copy of said resolution is attached hereto marked “Attachment #2.”

**BUSINESS PARK LOT SALE:** Radiation Solutions made an offer of \$22,500 for Lot 9 Block 3 of the Sugar City Business Park. Relator Judy Hobbs provided the buyer with all required disclosures to make an informed decision. Councilman King was uncomfortable with what type of business could be going into the park, since not much was known about Radiation Solutions. The mayor assured him that all the covenants, conditions, and restrictions (CC&Rs) for the Business Park were made known and would be enforced. Councilman Barrus researched the company and found that they are an environmental business that works on radiation issues. The information indicated that the company’s business does not emit radiation.

**RESOLUTION NO. 2018-7 (Authorize Business Park Sale of Lot 9 Block 3)** – Resolution No. 2018-7 was read by title only by Councilman Barrus.

**MOTION:** It was moved by Councilman Barrus and seconded by Councilman Waddell to approve Resolution No. 2018-7. Motion carried. A copy of said resolution is attached hereto marked “Attachment #3.”

**HISTORIC PRESERVATION COMMISSION NAMES:** Councilwoman Ball presented two possible names to the mayor to be appointed as Historic Preservation Commission members and

a third name was added by the mayor:

- Donna Jean Kinghorn
- Ellen Luthy
- Harold Harris

The mayor will contact these individuals and extend an invitation. Computer knowledge is desirable.

**PROPOSED DESIGN REVIEW BOARD CITY CODE 8-4-4 MODIFICATIONS.** Design Review Board Chairman Paul Jeppson reported that the board met and discussed the draft revisions and had several questions. They liked the idea of having different fields of expertise from the city engineer, building inspector, and deputy-clerk to help with the process. Paul said that design and review include much more than aesthetics. Councilman Waddell asked Paul what more than aesthetics is included. Paul mentioned such items as building standards, transportation and streets, and parking, and that he had sent a template to the city on all sorts of technical things. Paul also said the board felt that the appeal process should be directed to the Planning and Zoning Commission instead of directly to the City Council.

**CITY LOGO:** Keith Nelson presented the council's final choice in press-ready form. He showed the council how the logo can be used on different mediums from letterhead to cars and signage. The logo will be useable in all media forms and be clear and defined, features not afforded by the previous logo. Mr. Nelson will send the city the digital files to keep and help roll out the new design to the public. The City Council approved of the final design and asked Mr. Nelson to proceed.

**DEPARTMENT REPORTS:**

**COUNCILMAN BARRUS:** No report.

**COUNCILMAN WADDELL:**

**Teton Dam Marathon:** Councilman Waddell reported that the Teton Dam Marathon will be held Saturday, June 2. He is expecting about 28 volunteers from the high school. He asked that the flags be out as is customary for the marathon.

**COUNCILWOMAN BALL:**

**Arbor Day Celebration:** The Arbor Day Celebration was a great success! The children enjoyed participating in the art contest as well as planting the tree which will need to be straightened as it seems to be leaning to one side.

**COUNCILMAN KING:** No report.

Meeting adjourned at 9:05 p.m.

Signed: \_\_\_\_\_  
David D. Ogden, Mayor

Attested: \_\_\_\_\_  
Wendy McLaughlin, Clerk-Treasurer

[Statement concerning the draft of the minutes from the May 10 City Council Meeting given by Joy Ball]

After reading the draft of the minutes from the May 10<sup>th</sup> City Council meeting, I would like to make a public statement.

On page 3 of the draft minutes under **OLD FARM ESTATES DIVISION #3 ZONING APPLICATION REMAND**, in the second paragraph the words "the city" are used twice—"The city put the remand item on the agenda" and "The city and Councilman Barrus believed Judge Moeller's judgment of remand. . ." My question is: who is "the city?" Is it the mayor? Is it the city attorneys? Is it Wendy or Shelley? Is it the citizens? Is it the city staff who, along with Mr. Barrus, meets on Monday mornings to discuss city business? I believe that term could be misconstrued and should be defined more specifically for this record.

On the same page of the draft minutes, in the last paragraph, it states "Councilwoman Ball asked for more direction and time to study the facts before her although the council had been given extra time to review the records. She also did not request any direction from the city."

For the record:

I asked for more clarification of what the judge's order of remand meant. I did not ask for additional time to study the materials emailed to the council from Wendy and Shelley. I had done my homework—I listened to every audio recording, read and copied every document, bringing them in a binder, ready to reference as I assumed there would be discussion concerning the judge's order, what it meant for where we needed to go and what we needed to do as a council. I had even found discrepancies between the audio recordings and the written reports of the public hearings.

Why did I not request further direction from the mayor prior to our May 10<sup>th</sup> meeting? I view City Government in a way that is similar to callings in the church (I know there is a separation between church and state, but please hear me out). In the church, when a leader has information that those he or she is responsible for do not have, an effort is made to disseminate that information as soon as possible.

I was not a part of the law suit with the Citizens for the Rule of Law. I did not attend the ruling, as I was not invited or informed about when it occurred. I assumed that the mayor, in his role of leadership, would take the initiative to discuss with the council where the city stood as a result of the remand order and what we needed to do and where we were going to need to

I guess my expectations are not standard procedure with Mayor Ogden. Rather, he expects me to request direction and ask questions when I don't have the information he has.

A more recent example of this is the suit filed a week ago, on May 17, by the Lerwills. Although I am a part of this municipality's governing council, I knew nothing of that suit until I read the Standard Journal on Friday evening.

Also, as to requesting information, I actually did send the mayor an email on May 14, asking for a clarification concerning his statement about the 35 days. This is what that message said:

"Dave,

I have been looking in the code to try to find the 35 day rule you referred to in City Council last week. I asked you in the meeting if the law said we had 35 days from the time the judge ruled on the lawsuit to resolve the issue and you said that was correct. I think that Vaun or Bruce would be able to tell me, but I can't communicate with them about this issue or I'd be violating public meeting laws. So, I am requesting your help in providing me with the numbers of the ordinance so I can look it up and read it. Thank you for your help."

The mayor responded with this message:

"Joy,

'look at 9-5-2 (G) where it states that the city council has 35 days to respond to a zoning application after either a public hearing or the recommendation of the planning & zoning. Since the public hearing the city council held was stopped with the lawsuit, the time starts again once the judge remanded it back to the city for a redo."

This is what the code actually says:

"9-5-2-G-1

Within thirty five (35) days after its final public hearing or after receiving the recommendation of the planning and zoning commission, whichever is later, city council shall approve or deny the application, unless this time limit is extended by mutual agreement with property owners."

I desire to be an effective member of City Council. However, I feel that to do so I need to be informed. I respectfully request that in the future the mayor be more forthcoming in sharing information that is vital to make informed decisions with every council member.

Thank you.

(I request that this statement be attached to the minutes)

**The City of Sugar City, Idaho**

**Resolution No.: 2018 - 6**

**"A Resolution to Approve the Award of Contract Between the City of Sugar City and MD Excavating, to Install the Water Transmission Lines for the New Water Project."**

WHEREAS, the Council of the City of Sugar City, Idaho desires to approve the award of contract between the City of Sugar City and MD Excavating, to construct the water transmission lines for the new water project; and

WHEREAS, Forsgren Engineering, the engineers on the new water project, are recommending to the city council this award, based on their holding a recent bid opening, and finding that the aforementioned contractor was the apparent low bidder for the approved item.; and

WHEREAS, MD Excavating is a licensed public works contractor, and has met all of the criteria for the bidding, and is willing to execute the contract and begin construction in the very near future; and

WHEREAS, the City of Sugar City has met all its obligations in procuring this contract;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby approves the awarding of the contract and bid to MD Excavating, to construct the new water lines as indicated in the bid documents, and authorizes the Mayor to execute said Contract and issue a notice to proceed once the contract requirements have been met.

PASSED by the Council of the City of Sugar City on this 24th day of May, 2018

APPROVED by the Mayor of the City of Sugar City on this 24th day of May, 2018.

(SEAL)

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David D. Ogden,  
Mayor

ATTEST:

\_\_\_\_\_  
Wendy McLaughlin,  
City Clerk - Treasurer

**The City of Sugar City, Idaho**

**Resolution No.: 2018 - 7**

**"A Resolution to Authorize the Mayor to Execute all Required Closing Documentation on the Sale of Lot 9 Block 3 in the Sugar City Business park to Radiation Solutions, LLC."**

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WHEREAS, the Council of the City of Sugar City, Idaho has authorized the Mayor to list for sale the lots contained in the Sugar City Business park to any bona fide buyer, including Lot 9 Block 3 of that park; and

WHEREAS, Radiation Solutions, LLC has made an offer in good faith to purchase the aforementioned lot at a price of \$22,500, with the understanding that the property must be owned prior to being able to qualify for the building to be built; and

WHEREAS, the listing agent, Judy Hobbs of Quest Realty, has provided the buyer with all required disclosures so that the buyer may make an informed decision; and

WHEREAS, the Council of the City of Sugar City, Idaho now desires to formalize this purchase;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby authorizes the Mayor to execute all of the required documentation for the sale of the aforementioned Lot.

PASSED by the Council of the City of Sugar City on this 24<sup>th</sup> day of May, 2018

APPROVED by the Mayor of the City of Sugar City on this 24<sup>th</sup> day of May, 2018.

(SEAL)

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David D. Ogden,  
Mayor

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer